

REMARKS

Claims 1-16, 21-30, 33, 36 and 39 have been canceled, without prejudice. Claims 31 and 32 have been amended to clarify the invention. New claims 42 and 43 have been added to further scope the invention. Support for new claims 42 and 43 is found in FIG. 3B (elements C4 or C8), and in the description on page 8, line 15 to page 9, line 28 of the Specification.

No new matter has been entered by any of the foregoing amendments.

Turning to the rejections of claims 21-23 and 24-29 under 35 USC §112, claims 21-29 have been canceled, thus rendering moot the §112 rejections.

Turning to the rejection of claims 1, 3, 4, 6, 7, 9, 11, 13, 14, 16, 21 and 23 under 35 USC §102 as anticipated by Iguchi et al. (U.S. Patent No. 5,734,185), claims 2, 5, 8, 10, 12, 15 and 22 under 35 USC §103 as obvious over Iguchi et al. as applied to claims 1, 3, 4, 6, 7, 9, 11, 13, 14 and 16 in view of Kim (U.S. Patent No. 6,204,538), claims 24, 25, 26, 27, 29 and 30 as obvious over Iguchi et al. in view of Kim and Satoh et al. (U.S. Patent No. 5,834,817), and claims 24, 26, 27, 29, 30, 36 and 39 under USC §103 as obvious over Iguchi et al. in view of Satoh et al., claims 1-16, 21-30, 33, 36 and 39 have been canceled, thus rendering moot these several art rejections.

Turning to the rejection of claims 32, 33, 35, 38 and 41 under 35 USC §103 as obvious over Iguchi et al. in view of Satoh et al., the Examiner's rejection is in error. The Examiner states that Iguchi et al. does not teach "said sides of visor part and said sides of upper part form an angle of 30°-60°," and Applicant agrees (see Detailed Action, page 7, second full paragraph). Satoh et al. does not supply the missing teachings. Satoh et al. only teaches an upper portion and a lower portion where the length of the upper portion is greater than the length of the lower

portion (Abstract). Nowhere does Satoh et al. teach that the sides of the visor part and the sides of the upper part form an angle between 30° and 60°. The MPEP provides in Section 2144.05

II.A. that:

A particular parameter must first be recognized as a result-effective variable, i.e., a variable which achieves a recognized result, before the determination of the optimum or workable ranges of said variable might be characterized as routine experimentation. *In re Antonie*, 559 F.2d 618, 195 USPQ 6 (CCPA 1977)

Since Satoh et al. only discloses that the upper portion be longer than the lower portion, with the upper and lower parts having various different shapes, Satoh et al. cannot be said to recognize that the size of the visor part and the size of the upper part form an angle of 35° to 60°, or that such an angle is necessary to optimize the bottom width of the gate electrode. Thus, no combination of Iguchi et al. and Satoh et al. can achieve or render obvious independent claims 30 and 32, or any of the claims dependent thereon.

Turning finally to the rejection of claims 31, 34, 37 and 40 under 35 USC §103 as being obvious over Iguchi et al. and Kim as applied to claim 2, in further view of Satoh et al., the deficiencies of Iguchi et al. and Satoh et al. are discussed above. Furthermore, Kim does not teach a sidewall. As there is no sidewall in the device of Kim, the metal interconnect 60e of the contact is likely to be short-circuited with the N well 20 at the lower portion of the gate (FIG. 4C). However, in the present invention, the conductive film 13 of the contact touches the top surface and side surface of the visor portion, thereby making it possible to prevent such short-circuiting without substantially increasing contact resistance. Thus, it is submitted that no combination of Iguchi et al., Kim and Satoh et al. can achieve or render obvious independent claim 31, or any of the claims dependent thereon.

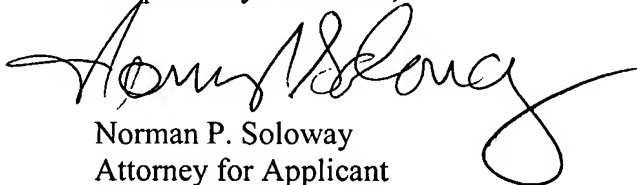
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Having dealt with all of the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action are respectfully requested.

A credit card authorization Form PTO-2038 authorizing a charge in the amount of \$770.00 in payment of the RCE fee accompanies this Amendment. In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account No. 08-1391.

Respectfully submitted,



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CERTIFICATE OF MAILING

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